

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6041 of 2005

Between:

Toddy Tappers Cooperative Society Dundigal Dundigal, Ranga Reddy District.
Rep. by its President/Licencee Mr. L. Shankaraiah Goud S/o. Raghavulu Goud.

..... PETITIONER

AND

- 1 The Prohibition & Excise Superintendent, Ranga Reddy District at Ranga Reddy.
- 2 The Prohibition & Excise Inspector, SHO Quthbullapur, Ranga Reddy District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in not sending one of the sample drawn in COR. No. 107/2004-2005 dt. 13-9-2004 by P & EI, SHO, Quthbullapur to independent laboratory i.e, Institute of Preventive Medicine Public Health Food Laboratory and Food Administration, Hyderabad alias State Food Laboratory, Nacharam, Hyderabad and Cr.No. E3/675/2005, dt. 5-2-2005 of the first respondent in suspending the licence and issuing of show cause notice for cancellation of licence of the petitioner society as illegal, arbitrary and against the principles of natural justice and set aside the same and direct the respondents to send one of the sample drawn in COR No. 107/2004-2005 dt. 13-9-2004 by P & EI, SHO Quthbullapur to independent laboratory i.e., Institute of Preventive Medicine Public Health Food Laboratory and Food Administration, Hyderabad alias State Food Laboratory, Nacharam, Hyderabad by suspending the operation of proceedings Cr.No. E3/675/2005, dt. 5-2-2005 of the first respondent and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.AMARNATH GOUD THODUPUNURI

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

ORAL ORDER:

Heard both sides. Perused the material placed before me.

The relief sought for in this writ petition is to send the second sample of toddy drawn from the Toddy shop of the petitioner at Dundigal, to an independent laboratory viz., Institute of Preventive Medicine Public Health Food Laboratory and Food Administration (State Laboratory, Nacharam, Hyderabad).

The learned Government Pleader for Excise contends that the relief cannot be granted in all cases as a matter of course, since the same can be granted subject to existence of certain circumstances. It is further contended that the licensee should apply within a weeks time from the date of receipt of communication of drawal of the sample by the competent authority as postulated in the notification issued by the Government in G.O. Ms. No. 1120, Revenue (Ex.II), 11th November, 2003. It is further contended that further investigation is required in this issue.

Having regard to the facts and circumstances of the case, the respondents are directed to send the second sample to an independent analyst. However, any enquiry/investigation initiated by respondents in this regard may go on.

With the above directions, the writ petition is closed at the stage of admission. No costs.

kvsn 28-03-2005

To

- 1 The Prohibition & Excise Superintendent, Ranga Reddy District at Ranga Reddy.
- 2 The Prohibition & Excise Inspector, SHO Quthbullapur, Ranga Reddy District.
- 3 Two CCs to GP for Proh. & Excise, High Court buildings, Hyderabad.
- 4 Two CD copies.